

157 F.3d 1030, 1031 (5th Cir. 1998) (citing Rule 41(b)). This draws from the Court's inherent authority to manage its docket. *Boudwin v. Graystone Ins. Co., Ltd.*, 756 F.2d 399, 401 (5th Cir. 1985) (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626 (1962)). A dismissal may be with or without prejudice. *See* Fed. R. Civ. P. 41(b). Dismissing with prejudice for failure to comply with a court order is generally improper unless the litigant's failure was "the result of purposeful delay or contumaciousness and the record reflects that the district court employed lesser sanctions before dismissing the action." *Long v. Simmons*, 77 F.3d 878, 880 (5th Cir. 1996).

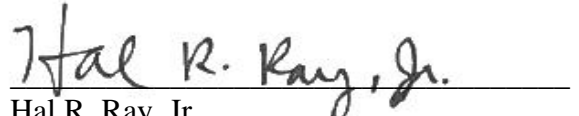
Here, Plaintiff failed to comply with this Court's July 15 Order. *See* ECF No. 4. Absent compliance, this case cannot proceed. But the record does not indicate that Plaintiff's failure resulted from purposeful delay or contumacious conduct. Thus, the interests of justice and judicial efficiency support dismissing this action without prejudice.

Accordingly, the undersigned **RECOMMENDS** that United States District Judge Reed O'Connor **DISMISS** this case **without prejudice** under Federal Rule of Civil Procedure 41(b) for Plaintiff's failure to comply with a court order and failure to prosecute.

A copy of these findings, conclusions, and recommendation shall be served on all parties in the manner provided by law. Any party who objects to any part of these findings, conclusions, and recommendation must file specific written objections within fourteen days after being served with a copy. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2). In order to be specific, an objection must identify the specific finding or recommendation to which objection is made, state the basis for the objection, and specify the place in the magistrate judge's findings, conclusions, and recommendation where the disputed determination is found. An objection that merely incorporates by reference or refers to the briefing before the magistrate judge is not specific. Failure to file specific written objections will bar the aggrieved party from appealing the factual

findings and legal conclusions of the magistrate judge that are accepted or adopted by the district court, except upon grounds of plain error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996) (en banc).

SIGNED September 8, 2021.

A handwritten signature in black ink that reads "Hal R. Ray, Jr." written over a horizontal line.

Hal R. Ray, Jr.
UNITED STATES MAGISTRATE JUDGE